

1 PHILLIP A. TALBERT
United States Attorney
2 ROGER YANG
KEVIN C. KHASIGIAN
3 Assistant U. S. Attorneys
501 I Street, Suite 10-100
4 Sacramento, CA 95814
Telephone: (916) 554-2700
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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,

2:23-CR-00184-KJM

12 Plaintiff,

13 v.

PRELIMINARY ORDER OF
FORFEITURE

14 TRACY EMERY SMITH,

15 Defendant.
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17 Based upon the plea agreement entered into between plaintiff United States of America and
18 defendant Tracy Emery Smith, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

19 1. Pursuant to 18 U.S.C. § 982(a)(2)(A), defendant Tracy Emery Smith's interest in the
20 following property shall be condemned and forfeited to the United States of America, to be disposed of
21 according to law:

22 a. Any and all funds held in the NBKC General Ledger account for Cashiers'
23 Check #89271, dated 12/1/2020 for \$6,206.80 payable to Real Fund 360.

24 2. The above-listed property constitutes or is derived from proceeds obtained directly or
25 indirectly as a result of a violation of 18 U.S.C. § 1344.

26 3. Pursuant to Rule 32.2(b)(3), the Attorney General (or a designee) shall be authorized to
27 seize the above-listed property. The aforementioned property shall be seized and held by the U.S.
28 Marshals Service, in its secure custody and control.

1 4. a. Pursuant to 18 U.S.C. § 982(b)(1), incorporating 21 U.S.C. § 853(n), and Local
2 Rule 171, the United States shall publish notice of the order of forfeiture. Notice of this Order and notice
3 of the Attorney General's (or a designee's) intent to dispose of the property in such manner as the
4 Attorney General may direct shall be posted for at least 30 consecutive days on the official internet
5 government forfeiture site www.forfeiture.gov. The United States may also, to the extent practicable,
6 provide direct written notice to any person known to have alleged an interest in the property that is the
7 subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

8 b. This notice shall state that any person, other than the defendant, asserting a legal
9 interest in the above-listed property, must file a petition with the Court within sixty (60) days from the
10 first day of publication of the Notice of Forfeiture posted on the official government forfeiture site, or
11 within thirty (30) days from the receipt of direct written notice, whichever is earlier.

12 5. If a petition is timely filed, upon adjudication of all third-party interests, if any, this Court
13 will enter a Final Order of Forfeiture pursuant to 18 U.S.C. § 982(a)(2)(A), in which all interests will be
14 addressed.

15 SO ORDERED this 27th day of November, 2023.

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19 CHIEF UNITED STATES DISTRICT JUDGE
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